

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JACY JOE ESTES,

Plaintiff,

v.

PIERCE COUNTY, *et al.*,

Defendants.

Case No. C23-5749-TSZ-SKV

ORDER RE: PLAINTIFF'S PENDING
MOTIONS

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff Jacy Estes is currently confined at the Pierce County Jail ("the Jail"). He has submitted to the Court for consideration a motion to amend his complaint (Dkt. 6) and a motion to join parties under Fed. R. Civ. P. 20 (Dkt. 7). Defendants have not yet been served in this matter and, thus, no responses to the pending motions have been filed. The Court, having reviewed Plaintiff's motions, and the balance of the record, hereby ORDERS as follows:

(1) Plaintiff's motion to amend his complaint (Dkt. 6) is STRICKEN as unnecessary. Because Plaintiff's original pleading has not yet been served, Plaintiff is entitled to amend his pleading without first obtaining leave of court. *See* Fed. R. Civ. P. 15(a)(1). Plaintiff's proposed amended complaint (Dkt. 6-1) is accepted for filing.

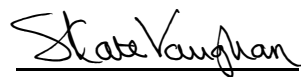
ORDER RE: PLAINTIFF'S
PENDING MOTIONS - 1

1 (2) Plaintiff's motion to join parties under Fed. R. Civ. P. 20 (Dkt. 7) is DENIED.
2 Plaintiff requests in his motion that the Court join this case with another case pending in this
3 district, *Wolfclan v. Washington State DSHS*, C23-5399-TSZ-SKV. Plaintiff asserts that the
4 cases have questions of law and fact in common and that he is a "named Plaintiff" in the
5 *Wolfclan* case. The *Wolfclan* case was filed by another Pierce County Jail inmate, Echota C.
6 Wolfclan, as a proposed class action. A review of the docket in that case confirms that Mr. Estes
7 sought to be added as a Plaintiff in that action, and that Mr. Wolfclan separately requested Mr.
8 Estes and a number of individuals who have filed similar cases be joined in that action. *See*
9 *Wolfclan*, C23-5399-TSZ-SKV, Dkts. 30, 71. While no action has yet been taken in *Wolfclan* on
10 the requests for Mr. Estes to be joined as a party, requests for joinder are nonetheless properly
11 filed in the action which Plaintiff seeks to join and not in a separate action.

12 The Court notes, with respect to the *Wolfclan* case, that counsel was recently appointed
13 therein, and a deadline has now been established for the filing of an amended complaint in that
14 action. Plaintiff is advised that until an amended complaint is filed in *Wolfclan*, any request to
15 join in that action is premature.

16 (3) The Clerk is directed to file Plaintiff's amended complaint (Dkt. 6-1). The Clerk
17 is further directed to send copies of this Order to Plaintiff and to the Honorable Thomas S. Zilly.

18 DATED this 14th day of December, 2023.

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21 S. KATE VAUGHAN
22 United States Magistrate Judge
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